

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CONSTANCE BRYANT,)	
)	
Plaintiff,)	
)	
v.)	No. 4:07CV1865 TIA
)	
MICHAEL J. ASTRUE, Commissioner)	
of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Application for Attorney's Fees Under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The parties consented to the jurisdiction of undersigned pursuant to 28 U.S.C. § 636(c).

On December 17, 2008, the undersigned remanded Plaintiff's case to the Commissioner for further proceedings. Plaintiff now seeks an attorney's fee award in the amount of \$4,215.50, which represents 25 attorney hours at \$168.62 per hour. In EAJA actions, the district court has the authority to award reasonable and necessary expenses associated with adjudicating a claim for social security benefits. Kelly v. Bowen, 862 F.2d 1333 (8th Cir. 1988). The EAJA also authorizes the award of "costs." 28 U.S.C. § 2412(a)(1), (d)(1)(a).

In the instant case, Defendant has filed a response stating that it has no objection to Plaintiff's request for attorney's fees. The undersigned thus finds that plaintiff is entitled to attorney's fees in the amount of \$4,215.50 and directs the Commissioner to issue a check in the amount of \$4,215.50 made payable to Eve D. Dake. See Ratliff v. Astrue, 540 F.3d 800, 802 (8th Cir. 2008) (attorney fee award can be paid directly to plaintiff's counsel). Although Defendant noted how the filing fee is a

cost which is distinguished from an expense under the EAJA, Defendant nonetheless agreed that Plaintiff should be compensated for the filing fee of \$350.00 from the Judgment Fund administered by the United States Treasury. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act (Docket No. 17) is **GRANTED**. Eve D. Dake, Plaintiff's counsel, shall be awarded attorney fees in the amount of \$4,215.50 and reimbursed the filing fee of \$350.00.

Dated this 23rd day of December, 2009.

/s/ Terry L. Adelman

UNITED STATES MAGISTRATE JUDGE